

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

**DEREK D. JACKSON,** )  
**ALEXANDER VAN JACKSON,** )  
**STEPHEN SCOTT, AND BY NEXT FRIEND,** )  
**ALEXANDER JACKSON FOR** )  
**CORRIAUNA K. WOODS AND** )  
**RONESHA WOODS, MINORS** )

**Plaintiffs,** )

**v.** )

**MARTINEZ A. TAYLOR,** )  
**COVENANT TRANSPORT, INC.,** )  
**AND BRENDA SCOTT,** )  
**INDIVIDUALLY AND JOINTLY,** )

**Defendants.** )

**Civil Action No.: 06-CV-1740-RBP**

**MEMORANDUM OPINION**

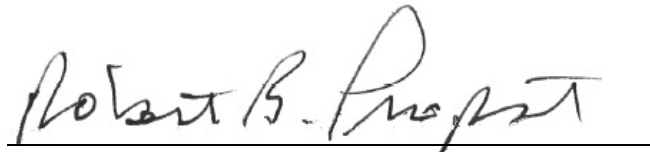
This cause comes on to be heard upon the Motion to Remand to the Circuit Court of Etowah County, Alabama, filed by plaintiffs Derek D. Jackson, Alexander Van Jackson, Stephen Scott, and minors Corriauna K. Woods and Ronesha Woods by Alexander Jackson as next friend (hereinafter "Plaintiffs") on October 4, 2006. Defendants Covenant Transport, Inc., and Martinez A. Taylor removed the cause to this court on September 7, 2006.

The removing Defendants' premise is that Brenda Scott was fraudulently joined. Although the state court complaint does not clearly allege a theory of liability for Brenda Scott, it does allege that she "lost control" of her vehicle. Poor drafting does not suggest fraud. Furthermore, the accident report reflects that Scott lost control of her vehicle, causing it to slide into the path of the other vehicle. There is at least an inference that she was more blameworthy than the other defendants. The defendants have not demonstrated that there is no possibility of

recovery.

The action will be remanded to the Circuit of Etowah County, Alabama (not Mississippi, as suggested by the Plaintiffs).

This the 2nd day of November, 2006.

A handwritten signature in black ink, reading "Robert B. Propst". The signature is written in a cursive style with a large, looped "P" at the end. It is positioned above a horizontal line.

**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**